



**A Publication of the
DEPARTMENT OF REGULATION AND LICENSING FOR
CEMETERY AUTHORITIES, CEMETERY SALESPERSONS AND PRENEED SELLERS**

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Secretary Marlene Cummings Retires

Secretary Marlene Cummings retired from state service on February 25, 2001. She had served with Governor Thompson since the beginning of his administration and was one of his first cabinet appointments.

Governor Thompson said Secretary Cummings has had an extremely successful tenure that emphasized changes in the handling of disciplinary complaints and adopted innovative disciplinary procedures. Her innovations have included an agency time-line for handling complaints, the use of mandated education and a procedure for managing professionals with drug and alcohol addictions.

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Governor McCallum Appoints Herrera

Governor Scott McCallum announced on March 30, 2001, that he had appointed Oscar Herrera as the Secretary of the Department of Regulation and Licensing. Herrera has served sixteen years in state government including from 1999 to the time of his appointment as the Director of the Bureau of Minority Business Development in the Department of Commerce. From 1992 to 1998 he was the Director of the Wisconsin Coastal Management Program in the Department of Administration, and from 1985 to 1991 worked as a program and planning analyst with the Coastal Management Program. He was twice awarded the Department of Administration's Exceptional Performance Award.

Herrera was born and raised in Mexico City. He obtained a Bachelor's degree in Economics from the National University of Mexico and a Master's degree in Agricultural Economics from the University of Chapingo in Mexico. He also attended the University of Wisconsin-Madison where he obtained a Master's degree in Continuing and Vocational Education and completed Doctoral studies (Ph.D.abd) in Development.

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Legislative Update – Biennial Budget Bill

The Biennial Budget Bill was introduced as SB 55 and AB 144. The Joint Finance Committee is reviewing the biennial budget proposal at this time and the full legislature will deliberate on it within the next month or two. Some provisions of note to cemetery authorities and preneed sellers are those that involve registration fee changes. The Biennial Budget Bill proposes an increase in original registration fees for all occupations and professions licensed by the Department from \$44 to \$56. There are indications that this fee will be reduced to \$53. The proposed renewal fees for cemetery authorities, cemetery salespersons and preneed sellers remain the same as they are now: \$343, \$90, and \$61, respectively.

Licensing Statistics

The number of active licensees as of May 3, 2001, was as follows:

Cemetery Authorities –	62
Cemetery Salespersons –	139
Preneed Sellers –	139

Complaint Statistics

The complaint statistics for January 1, 2000 to December 14, 2000, were as follows:

Complaints Received in 2000 –	25
Complaints Closed After Screening –	22
Complaints Closed After Investigation –	1
Complaints Closed Formally –	8

Note: The number of complaints closed includes complaints received prior to 2000.

Failure to Pay Child Support

Failure to pay court-ordered child support may result in the suspension or non-renewal of professional licenses.

Recently-enacted Wisconsin laws give local child support agencies the ability to request suspension or denial of licenses of people whose names appear on the Child Support Lien Docket and who owe more than \$1,000 or three months' worth of child support.

Past-due child support creates a lien against all of a payer's titled property. The lien is entered into Wisconsin's Child Support Lien Docket when past-due support reaches a specified threshold. In January 2001, the threshold amount was \$20,000 in past-due support.

Child support agencies will notify payers at the time their names are added to the Child Support Lien Docket and prior to initiating license suspension

action. Satisfaction (payment in full) of the child support lien, or entering into and complying with a plan to pay off the past-due support, will halt license suspension action.

For more information about Child Support Liens and license suspension, please contact your local child support agency.

Regulation of Crematories

The Funeral Directors Examining Board has requested that a legislative draft be prepared by the Legislative Reference Bureau. As soon as the Board receives a bill draft, the Board will review it one more time. Then it will request a final draft and begin to contact legislators who may be interested in introducing or sponsoring the bill. Thus far, the Board has not received any indication that cemetery officials would be opposed to introducing a bill to regulate crematories. However, the Board would assume that cemeteries would want to make sure that the bill provides a level playing field for funeral directors and cemeteries. If such is the case, the Board will, undoubtedly, appreciate your careful review of the bill and your support of it. Perhaps, you will want to contact your legislators and help them understand the issues. The Board believes that this type of legislation is needed at this time. The Board believes it is time to be proactive, rather than reactive on cremation issues, because the number of cremations in Wisconsin continues to grow.

Cemetery Legislative Proposals

At the time this issue of the Regulatory Digest was being prepared, there were two cemetery legislative proposals that had been under consideration for many months and a third proposal that had been prepared by the Legislative Reference Bureau on March 30, 2001.

The first proposal was 2001 Assembly Bill 107. The author of that bill is Representative Johnnie Morris-Tatum. The bill focuses on creating a cemetery management trust fund for the maintenance of cemeteries and on the authority of the court to appoint a trustee of an abandoned cemetery. This bill repeals the requirement that a municipality take over an abandoned cemetery. This bill also addresses a few other issues, such as the identification of burials, audits of cemeteries, annual reports of cemeteries and the licensing of cemeteries.

A second proposal was that of the Department of Regulation & Licensing, identified as LRB-0160/3. The Department had been working on this draft for two years. The Department held several meetings of a Cemetery Task Force, two public hearings, and other meetings with representatives of

municipalities, cemeteries and funeral directors. The Department's draft addresses many provisions throughout Chapters 157 and 440, Subchapter VIII, Wis. Stats. However, this draft does not propose the creation of a cemetery management reserve fund. It does not abolish the requirement that a municipality take over an abandoned cemetery, nor does it create new provisions relating to the appointment of a trustee.

A third proposal was prepared on March 30, 2001. It is numbered LRB-2973/1. This proposal combines Representative Morris-Tatum's bill and the proposal of the Department of Regulation and Licensing. This latest proposal was prepared after two meetings that were coordinated by Ed Huck, Director of the Alliance of Cities, Inc. These meetings were attended by Representative Johnnie Morris-Tatum or a member of her staff, representatives of the City of Milwaukee, a representative of the League of Municipalities, representatives of the Department of Regulation and Licensing and several funeral directors and cemetery managers. The second of the two meetings focused on making a few changes to the Department's draft and Representative Morris-Tatum's bill, and combining the two proposals into a new draft. The new draft includes provisions relating to the creation of a cemetery management insurance fund (referred to as the "cemetery management reserve fund" in 2001 AB 107) and the authority of a court to appoint a trustee for an abandoned cemetery. Staff of the Department informed those who attended the second meeting that the Department has been on record as opposing the creation of a cemetery management reserve fund, the appointment of trustees and the repeal of a municipality's responsibility for taking over an abandoned cemetery.

Information on the Internet

The State of Wisconsin now has a portal on the Internet that enables persons to access all state agencies and services from this single entry point. The portal is in its infancy stage; however, it will grow and develop very quickly. Simply enter the following Web address: <http://www.wisconsin.gov/>

Then you can click on "Agency Index" and find the Department of Regulation & Licensing in the alphabetical list. Be sure to check out our site, because it has been recently revised and it, too, continues to grow. Eventually, our site will have more informational documents and application forms that you will be able to fill out and submit

electronically. At the end of 2000, real estate agents were the first group of licensees that were able to renew their licenses electronically on the Internet. During the next few years many more organizations and individuals will be able to renew on the Internet.

Our Web site now has a consumer complaint form and information about the complaint process. It also has links to statutes and administrative rules relating to the regulation of cemeteries, cemetery salespersons and preneed sellers.

Sampling of Complaints

Allegation: The complainant alleged that a cemetery authority restricted the right of the owner or purchaser of a cemetery lot to purchase a monument or services related to the installation of a monument from a vendor of his or her choice. The complainant also alleged that in September 1998 the cemetery authority refused to allow installation of a monument by an outside vendor. During the following January, the cemetery authority was allowing outside vendors to place monuments, but with unfair restrictions as to the type of granites that were acceptable. Furthermore, such granites were only available from a company that only sells to cemeteries.

Investigation: The cemetery authority provided the investigator with a copy of a new policy, effective January 22, 1999. The policy no longer limits granites to those of two specific suppliers. Furthermore, the service fee for inspecting the installation of a monument, was lowered from \$75 to \$60

Conclusion: There may be a minor or technical violation, but a decision was made not to commence formal disciplinary action. The cemetery authority should allow monument vendors to install monuments if the vendors have met statutory requirements.

Disciplinary Actions

JAMES M BLOOD

WAUNAKEE WI

VOLUNTARY SURRENDER

Convicted of mail fraud. Defrauded victims (elderly investors) by inducing them to invest substantial sums of money into a housing development venture for the elderly. The surrender of both his cemetery salesperson's license and his cemetery preneed seller's license is permanent with no right to renew in the future. Effective 1/8/2001. Sec. 440.93(1)(d), Stats. Case #LS0101082RLC

REGULATORY DIGEST

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Telephone Directory

The Division of Business Licensure & Regulation has a menu telephone system which is designed to more efficiently direct the caller to the appropriate section. The telephone number for staff is:

(608) 266-5511

After dialing this number you are asked to press various extensions. For the following requests, please press numbers as noted:

Applications Forms	Press 11
Complaints Against Licensees	Press 12
Application Processing & Requirements	Press 42
Whether A Person is Licensed	Press 442
Fax Number	608) 267-3816

Visit the Department's Web Site

www.drl.state.wi.us

For our new "Online Verification of Credential Holders" click on the "Business and Professional License Lookup" button on the Department's home page.

Copies of the Regulatory Digest are on the Web.

Send comments to dorl@drl.state.wi.us

Wisconsin Statutes and Code

Copies of the Wisconsin Statutes and Administrative Code Relating to Cemetery Regulation can be ordered from the Department. Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28. The latest edition is dated November, 1998.

Change of Name or Address?

Please photocopy the mailing label of this digest, make changes in name or address, and return it to the Department. Confirmation of changes is not automatically provided.

SECTION. 440.11, STATS., ALLOWS FOR A \$50 PENALTY TO BE IMPOSED WHEN CHANGES ARE NOT REPORTED WITHIN 30 DAYS.

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